

### III. REMARKS

1. Claims 15 and 16 are new.

2. The Applicant respectfully objects to the Examiner's issuance of another "Final" action, without first issuing a "Non-Final" action. As related in the prior response, the finality of the previous action was premature. Since the prior action was marked "Final", Applicant's options for a response to that action were limited, since amendments might not necessarily be considered. Thus Applicant was not provided with an adequate opportunity respond to the action as if it were a "Non-Final" action. Although the Examiner withdrew the finality of the prior action, the issuance of a new "Final" action has now, once again, curtailed Applicant's options for responding. Reconsideration is requested.

2. Claims 1-2 and 12-14 are not unpatentable over Misra et al. ("Misra") in view of Nakagawa et al. ("Nakagawa") under 35 U.S.C. §102(e).

Claim 1 recites a system manager for "collecting attribute data from multiple platforms." This is not disclosed or suggested by Misra. In Misra, a client 30 sends a license purchase request to the clearing house. The license server 28 maintains an inventory of software licenses that have been purchased from the licensing clearing house (i.e. the license server 28 is a DATABASE of purchased licenses.) (Col. 11, line 46 to Col. 12, line 14). Misra is merely a clearing house with a database. Misra is not, unlike Applicant's invention, an aggregator of attributes from multiple platforms. Misra is not a connected instance of independent platforms.

A "client" in Misra is not a "platform" as described and claimed by Applicant. A "client" in Misra is merely a user of the system. This is clearly illustrated with reference to, for example, FIG. 1 of Misra (see also Col. 4, lines 42-48). For example, the client 30 has to connect to the intermediate server and "present a valid license." (Col. 4, lines 49-50). In Applicant's invention, the "platforms" are elements of the system.

In Applicant's invention, the system manager 22 coordinates the system's platform-wide operations and owns system level attributes (Page 4, lines 17-23). The platform controllers 23a, 23b generally comprise any suitable module designated as the platform manager. Each platform controller maintains a list of the software copyright years relevant to the software on its platform (Page 4, lines 24-30). Clients 30 are merely implemented as different kinds of computers - desktop, workstation, laptop, notebook, etc. (Col.5, lines 13-25). Misra does not disclose or suggest that a "client" is analogous to a "platform" as claimed by Applicant.

Misra's patent (and the Examiner's argument) really details a system like a standard ATM banking system. In an ATM banking system, you have a bank clearinghouse (equivalent to the licenser clearinghouse). The banking system has a distributed database of each user's accounts (equivalent to the license server). A client(s) enters a request to the banking clearinghouse using an ATM (equivalent to a client(s) requesting a license from the license clearinghouse). The banking clearinghouse gathers a client's account clearinghouse getting the client's data and adding it to the license server).

Furthermore, the Examiner is mistaken in that Misra teaches collecting information relating to software from client. Rather, in Misra, the client sends a "purchase request" (Abstract, Col. 11, lines 46-59). Misra does not poll or collect attribute data from the client.

Referring to the Examiner's statements in paragraph 12D, this argument again falls into the different interpretations of what the "system" is. If clients are considered part of the system, you have an N -> 1 relationship. Such an N -> 1 relationship has existed for many, many years prior to Misra and is the standard relationship found in N users working on (1) database.

From standard object oriented architectures and models, Applicant respectively states that clients are not part of the system, but are instead users of the system. In a standard UML use case diagram or class diagram for the Misra patent or the instant application, clients would be shown as external actors of the system and not an element of the system. The clients 30 are clearly illustrated as being outside the system (See FIGS. 1 and 3). The multiple platforms are independent objects. Misra does not gather "attributes" as claimed by applicant (FIG. 2).

Furthermore, Misra does not disclose or suggest a user interface connected to the system manager for displaying the collected attributed data to a user. Misra merely states that a display device is connected to the system (Col. 6, lines 15-16). Misra makes no mention that "attribute data from multiple platforms" is collected and is displayed over a user interface.

3. Claims 3-11 are not unpatentable over Misra in view of Nakagawa et al. ("Nakagawa") and further in view of Menezes et al. ("Menezes") under 35 U.S.C. §103(a).

Claim 3 recited "polling at least two platforms for attribute data." Nothing of the sort is disclosed or suggested by Misra. "Polling" as the term is defined in NEWTON'S TELECOM DICTIONARY, 18<sup>th</sup> Edition, copy attached, relates to connecting to another system to check for things like mail or news. It can be a "form of data or fax network arrangement whereby a central computer or fax machine asks each remote location in turn (and very quickly) whether they want to send some information." In Misra, a user sends a request for a license. Some databases are checked to verify authenticity of the request and send the license. However, there is certainly no polling going on in Misra. Column 10, lines 30-37 merely describe how the request handler 122 "receives requests for software licenses from clients." This is not the same as polling.

Nakagawa also does not disclose or suggest polling for attribute data as is claimed by Applicant. Thus, neither Misra nor Nakagawa teach anything even remotely to the "polling" described and claimed by Applicant.

Menezes merely describes that the system 10 includes a Polling Capability Group that describes the ability of the receiving Fax machine to respond to polling requests (Col. 16, lines 43-45). Menezes does not, however, disclose or suggest "polling at least two platforms for attribute data" as is claimed by Applicant.

It is respectfully submitted that there is absolutely no disclosure in either Misra, Nakagawa or Menezes related to gathering attributes from independent platforms or polling at least two platforms for attribute data.

Claim 4 recites automatically polling at least two platforms during power on of at least one of the at least two platforms.

No such disclosure is made in the combination of Misra, Nakagawa or Menezes. Column 17, lines 56-67 states that a user can request a document or file, or the Application Capabilities can be "requested" by the user or automatically. This does not state that "polling" of "at least two platforms" will occur on "power-on." "Polling", as will be understood, is a technically different concept than "requesting".

Claim 6 recites collecting copyright information. None of the cited references disclose the collections of copyright data, or collecting copyright data from at least two platforms. Misra, at column 14, lines 14-29, only talks about searching for a "suitable license from a license server that appears on the list." This says nothing at all about "copyright" information as claimed by Applicant.

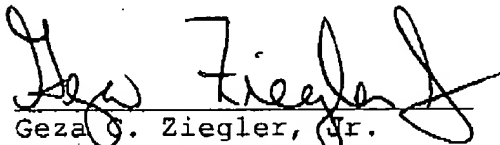
With regard to claim 11, none of the references, either alone or in combination, disclose or suggest displaying "non-common" attribute data.

Thus, claims 3-11, which depend from claim 1, should at least be allowable in view of the respective dependencies as well as the arguments recited above.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

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Respectfully submitted,

  
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